



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Mr. Ira Besdansky  
Keene Family YMCA  
38 Roxbury St.  
Keene, New Hampshire 03431

LETTER OF DEFICIENCY  
WMB PBF 02-78  
November 26, 2002

Dear Mr. Besdansky:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On November 21, 2002, DES inspected the following public bathing facilities at the Keene Family YMCA, in Keene, NH: the indoor pool ("Pool"); the spa located in the men's locker room ("Men's Spa"); the spa located in the women's locker room ("Women's Spa"); and the spa located next to the indoor swimming pool ("New Spa"). During this inspection, the following deficiencies were noted:

A recommendation to close and drain the Men's Spa and the Women's Spa was issued on November 21, 2002. The inspection on November 21, 2002 revealed that the Men's Spa and the Women's Spa were in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Men's Spa water and the Women's Spa water:

- a. Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Men's Spa water contained greater than 50,000 cfu/mL. The Women's Spa water contained greater than 50,000 cfu/mL.
  - b. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Men's Spa water contained greater than 200 CTS/100mL, confluent growth. The Women's Spa water contained greater than 200 CTS/100mL, confluent growth.
2. Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of the Men's Spa water was less than 0.1 mg/L on November 21, 2002. The bromine concentration of the Women's Spa water was less than 0.1 mg/L on November 21, 2002.
  3. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. The written records were not up to date at the time of the inspection relative to the required testing of the Men's Spa water and Women's Spa water.
  4. Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Complete patron rules were not posted at the Men's Spa at the time of the inspection.
  5. Pursuant to Env-Ws 1104.03(d)(7), a clock shall be visible from all public spas. A clock was not visible from the Men's Spa at the time of the inspection. A clock was not visible from the Women's Spa at the time of the inspection.
  6. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a functioning flow meter.

Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Men's Spa did not include a flow meter. The filtration system for the Women's Spa did not include a flow meter.

8. Pursuant to RSA 485-A:26, no person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the division. A public bathing facility is defined as a swimming pool, spa or special recreation pool operated for any municipality, governmental subdivision, public or private corporation, partnership, association or educational institution open to the public, members or students, whether on a fee or free basis, together with buildings and equipment. This includes, but is not limited to, town public bathing facilities, public bathing facilities at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes and public campgrounds. DES does not have any record of design approval for the New Spa located at the Keene Family YMCA, Keene, NH.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

A copy of two weeks of water quality test results for all facilities (please do not send originals).

2. The type, manufacture, and model of the flow meter to be installed.
3. A completed application for the unapproved Spa.
4. A timetable of when:
  - a. patron rules will be posted; and
  - b. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,  
  
**COPY**  
Jody Connor  
Limnology Center Director

Enclosures  
Certified Mail #

cc: Mark Harbaugh, Enforcement Attorney, DES ✓  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Medard Kopczynski, Health Officer, Town of Keene  
Peter Smith, Keene Family YMCA